



PUBLIC NOTICE

Federal Communications Commission
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DA 06-67
January 12, 2006

COMMENTS INVITED ON APPLICATION OF TLX COMMUNICATIONS, INC. D/B/A TELAMERICA TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 06-9
Comp. Pol. File No. 740

Comments Due: January 26, 2006

Section 214 Application

Applicant: TLX Communications, Inc. d/b/a TelAmerica

On December 8, 2005, TLX Communications, Inc. d/b/a TelAmerica (TLX or Applicant), located at 913 South Burnside Avenue, Gonzales, Louisiana 70737-4258, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services to a segment of customers located in Louisiana.

TLX states that it is a subsidiary of Advanced Tel, Inc. – Consolidated d/b/a EATEL (Advanced Tel) and a competitive local exchange carrier in Louisiana. TLX further states that it provides local exchange, digital subscriber line (DSL), long distance, and Internet service provider (ISP) services. TLX seeks to discontinue providing local exchange service provided through the resale of BellSouth's services and DSL service to its affected customers in Louisiana no later than February 14, 2006 subject to obtaining all necessary federal and state approvals.¹ TLX indicates, however, that it intends to continue to provide long distance service to customers in Louisiana. TLX states that the customers affected by the discontinuance proposed in this application are located in the following parishes in Louisiana: Acadia, Ascension, Assumption, Avoyelles, Calcasieu, Caldwell, Catahoula, De Soto, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston,

¹ TLX states that its parent company Advanced Tel previously filed a separate application to discontinue service to specified customers in Louisiana and a subsequent application to discontinue services to customers in Louisiana and Mississippi. *See Comments Invited on Application of Advanced Tel, Inc. – Consolidated To Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 05-344, Comp. Pol. File No. 727, DA 05-3193 (rel. Dec. 14, 2005); *Comments Invited on Application of Advanced Tel, Inc. – Consolidated To Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 05-351, Comp. Pol. File No. 734, DA 05-3314 (rel. Dec. 23, 2005); *Comments Invited on Application of Advanced Tel, Inc. – Consolidated To Discontinue Domestic Telecommunications Services*, Erratum, WC Docket No. 05-351, Comp. Pol. File No. 734, (rel. Dec. 28, 2005).

Morehouse, Natchitoches, Orleans, Ouachita, Pointe Coupee, Rapides, Richland, Sabine, Saint Charles, Saint Helena, Saint James, Saint Landry, Saint Martin, Saint Mary, Saint Tammany, St. John the Baptist, Tangipahoa, Tensas, Terrebonne, Vermilion, and Winn. TLX asserts that it is a non-dominant carrier with respect to the services that it proposes to discontinue.

TLX states that, on November 30, 2005, it provided written notification of the proposed discontinuance to affected customers, in accordance with the requirements of section 63.71(a) of the Commission's rules. In these notices, TLX informed customers of its intent to discontinue service on December 30, 2005. TLX asserts that the U.S. Postal Service has established procedures to deliver mail to persons such as its customers in Louisiana that have been displaced by Hurricanes Katrina and Rita. TLX indicates that its notices informed affected customers that TLX's service is dependent upon BellSouth's downed facilities and that these facilities were still being repaired, and encouraged customers to seek alternative providers when they return. TLX also states that none of its customers displaced by the hurricanes provide public service functions. To the extent that the measures taken by TLX are deemed inadequate, TLX seeks a waiver of the notification requirement. Finally, TLX states that it has extended its planned discontinuance date from December 30, 2005 to February 14, 2006 in order to allow for a transition to alternative services.

We seek comment on TLX's proposed discontinuance of service, including the steps it has taken to notify and protect consumers unable to receive regular U.S. Mail service, in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, TLX's application will be deemed to be granted automatically on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies TLX that the grant will not be automatically effective. In TLX's application, TLX indicates that it does not anticipate discontinuing service to customer until February 14, 2006 subject to obtaining all necessary federal and state regulatory approvals. Accordingly, pursuant to section 63.71(c), absent further Commission action, TLX may terminate service on **February 14, 2006**. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **January 26, 2006**. Such comments should refer to **WC Docket No. 06-9 Comp. Pol. File No. 740**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or John Adams, (202) 418-0394 (voice), john.adams@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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